SOUTHERN CALIFORNIA
ASSOCIATION of GOVERNMENTS

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MEETING AGENDA OF THE

WATER POLICY TASK FORCE

Thursday, June 9, 2005
10:00 a.m. – 1:45 p.m.

SCAG Offices
818 W. 7th Street, 12th Floor
Riverside B Conference Room
Los Angeles, California 90017
213. 236.1800

If members of the public wish to review the attachments or have any questions on any of the agenda items, please contact Dan Griset at 213.236.1895 or griset@scag.ca.gov.

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DOC #111041 v1

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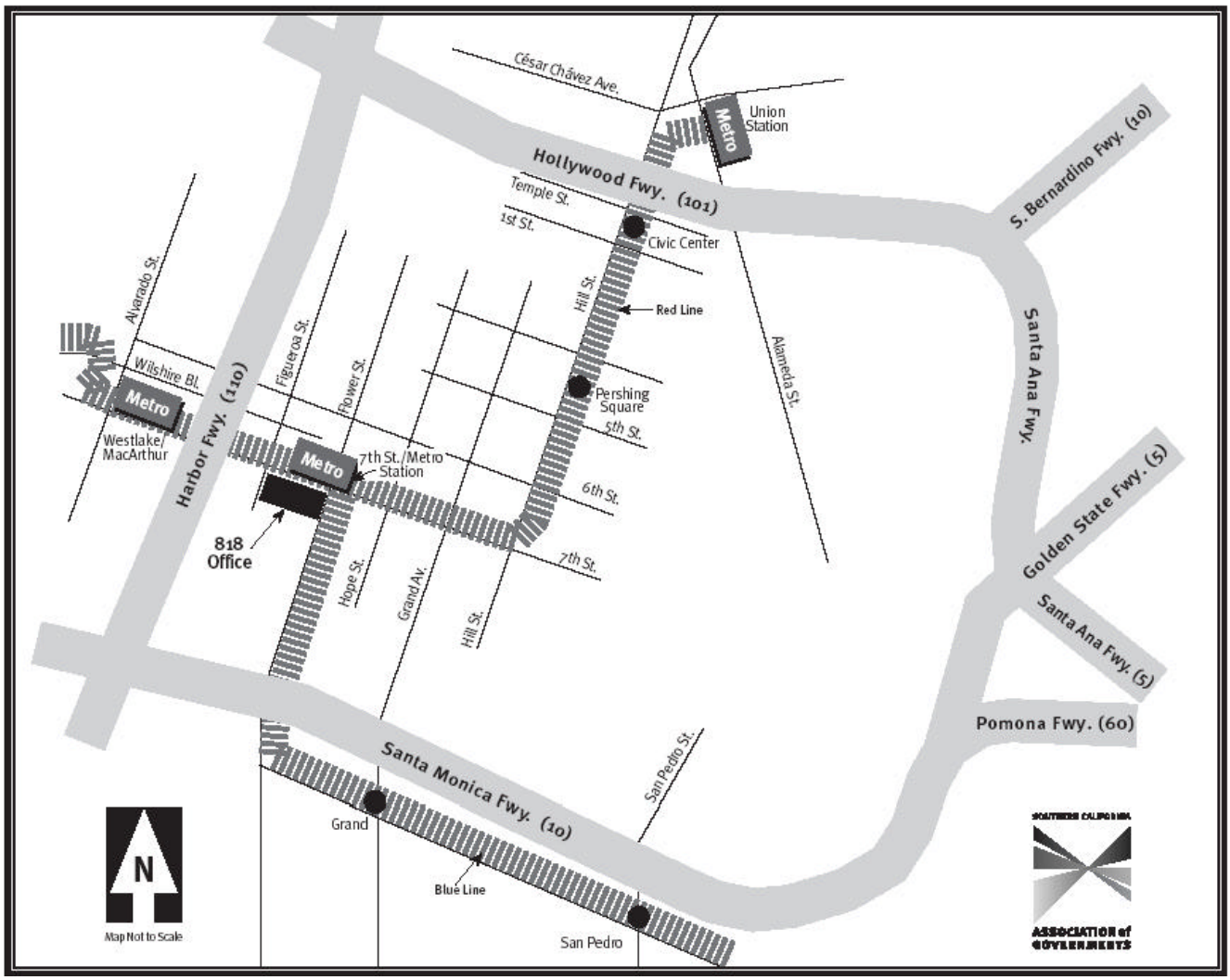

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SOUTHERN CALIFORNIA ASSOCIATION of GOVERNMENTS

AGENDA

WATER POLICY TASK FORCE
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

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SCAG Offices: Riverside B Meeting Room

Page #

1.0 CALL TO ORDER

2.0 PUBLIC COMMENT PERIOD

Members of the public desiring to speak on an agenda item or another item, but within the purview of this Task Force, must notify staff to the Task Force prior to the meeting. At the discretion of the Chair public comments may be limited to three minutes.

3.0 APPROVAL OF MINUTES

Approve the minutes of the April 14, 2005 meeting. (Minutes will be available at the meeting and on the Task Force website: http://www.scag.ca.gov/wptf/index.htm

4.0 PRESENTATION ITEMS FOR THE TASK FORCE

4.1 Water Supplies and the Growth Outlook in the San Timoteo Watershed 4

This review of future growth and water supply planning in the San Gorgonio Pass Basin is a continuation of an unfinished part of April's meeting of the Task Force. Chuck Butcher (General Manager, Beaumont-Cherry Valley Water District), Andy Schlange (General Manager, San Timoteo Watershed Management Authority) and Mark Wildermuth (Environmental Consultant) will review current conditions and plans related to water resources management in the rapidly growing San Timoteo Watershed. **(45 min)**

4.2 Proposed Stormwater Management Legislation: ACA 13 7

ACA 13, authored by Assemblyman Tom Harman of Huntington Beach and Assemblymembers Jones and Mullin, would put before California voters a provision to make stormwater and flood control fees exempt from the voter requirements of Proposition 218. Proposition 218 requires voter approval of all local fees except for fees related to sewer, water and refuse collection services. Larry Forester, Councilmember from Signal Hill and a Task Force member, along with Leslie Mintz, Legislative Director of Heal the Bay, will brief the Task Force on this important legislation. **(30 min)**

4.3 Public Review Draft of the 2005 California Water Plan **9**

Mark Stuart, representing the State Department of Water Resources, will provide an overview of the newly released draft of the 2005 California Water Plan. At five year intervals the Department issues its outlook for water supplies in our rapidly growing state. The new draft Plan proposes a roadmap for meeting the state's 2030 water demands with the use of integrated regional water management and the improvement and maintenance of current state water systems. These proposed initiatives rely on three priorities: water use efficiency, water quality protection and environmental stewardship. **(45 min)**

4.4 Atmospheric Deposition and Water Quality Challenges **12**

Dan Lafferty, Assistant Division Engineer in the Los Angeles County Department of Public Works and Task Force member, will report on the findings of a recent study on atmospheric deposition and related water quality challenges and on recent discussion between air and water quality regulators. **(10 min)**

4.5 Water Supply Planning and Growth in the Santa Clarita Valley **13**

The Santa Clarita Valley area has seen on-going controversy over the issue of water supplies and the adequacy of these supplies for housing and other developments proposed in the Valley. The Task Force will be briefed by Lisa Hardy (Planning Manager, City of Santa Clarita), Andy Malakates (Regional Planner, County of Los Angeles), and Mary Lou Cotton and Glenn Reiter (Castaic Water Agency). **(45 min)**

4.6 A SCAG Report on "Stormwater Runoff Management and Synergistic Water Quality Planning" **14**

(5 min)

Staff will summarize the features of a study prepared for Caltrans relating water quality and safety issues to proposed Major Projects in the 2004 Regional Transportation Plan. The study suggests an approach for identifying priority opportunities for stakeholder cooperation in comprehensive, cost-effective stormwater management.

4.7 A Preview of a Study on Ecosystem Restoration in the Upper Malibu Creek Watershed **15**

(10 min)

Jodi Clifford and Dan Sulzer of the Army Corps of Engineers (Dan is also a Task Force member) will give a preview of a study now underway in the Upper Malibu Creek Watershed. This feasibility study will be discussed in greater detail at a future meeting of the Task Force, once conceptual planning alternatives are more fully developed. This ecosystem restoration effort involves modifications to or removal of Rindge Dam in that watershed.

5.0 CHAIR'S REPORT

6.0 STAFF REPORT

7.0 TASK FORCE INFORMATION SHARING

8.0 COMMENT PERIOD

10.0 ADJOURNMENT

The next scheduled meeting of the Task Force is September 8, 2005.

NOTE OF THANKS

Lunch for Task Force Members is sponsored by

Central and West Basin Municipal Water Districts

MEMORANDUM TO THE WATER POLICY TASK FORCE

June 9, 2005

TO: ***Members of the Water Policy Task Force***

FROM: ***Daniel E. Griset, Sr. Regional Planner, X895, griset@scag.ca.gov***

SUBJECT: ***Water Supplies and the Growth Outlook in the Timoteo Watershed***

RECOMMENDATION:

The Task Force recommends that the Energy and Environment Committee endorse for Regional Council adoption a resolution of support for the Integrated Regional Water Management Program for the San Timoteo Watershed.

BACKGROUND:

The San Timoteo Watershed Management Authority (STWMA) was formed in January 2001 by the Beaumont-Cherry Valley Water District (BCVWD), the City of Beaumont (Beaumont), the South Mesa Water Company, and the Yucaipa Valley Water District(YVWD). This new Authority grew out of concerns that the proven local water supply for that watershed was about 32,000 acre feet per year (AFY) and that ultimate demand was projected to be about 99,000 AFY. It was this gap of 67,000 AFY that the Authority needed to close if it was to meet its stated goal.

The STWMA covers the western and most populated portion of the San Gorgonio Pass Water Agency, the State Water Project Contractor for the Watershed. The projected growth projected by SCAG between 2000 and 2030 is slated to occur in the STWMA service area.

The STWMA began with the formation of a stakeholder group that could work together to develop a water resources management program that would provide a safe and reliable water supply for all water users in the Watershed. The San Timoteo Watershed Management Program (STWMP) was completed in March 2002 and was documented in *San Timoteo Watershed Management Program, Phase 1 Report* (March 2002). Based on the recommendations of the Report, the STWMA has implemented several key initiatives of the STWMP and is in the process of completing investigations and developing agreements that will deliver the facilities needed to assure a safe and reliable water supply for future water demands in the Watershed.

The water resources management program within the STWMP includes enhanced recharge of native and recycled water, maximizing the direct use of recycled water, and optimizing imported water direct use, recharge, and conjunctive use. The estimated cost to implement the STWMP ranges from $200 to $300 million.

In January, 2005 the Authority issued in Draft form its *Integrated Regional Water Management Program for the San Timoteo Watershed* (see Executive Summary in the Appendix). This Program updated groundwater level and water quality conditions, updated water demands and water supply plans, and presented an updated project list with schedule and cost estimates. The report noted that progress had been made since the 2002 Program began: groundwater and storage rights in the Beaumont Basin had been adjudicated and that maximum-benefit-based water quality objectives had been developed for the management zones within the STWMA.

Draft Resolution Language

Resolution of the Southern California Association of Governments in Support of the San Timoteo Watershed Management Authority in the Development and Implementation of the Integrated Regional Water Management Program for the San Timoteo Watershed

1. **Whereas** the San Timoteo Watershed Management Authority (STWMA) was formed in January 2001 by the Beaumont-Cherry Valley Water District (BCVWD), the City of Beaumont (Beaumont), the South Mesa Water Company, and the Yucaipa Valley Water District (YVWD)

2. **Whereas** the purpose of the STWMA is to prepare and implement a water resources management program for the San Timoteo Watershed and the waters tributary thereto, in order to conserve local water supplies, improve surface and ground water quality and quantity, protect and enhance groundwater storage and recreational resources, preserve open space, protect wildlife habitat and wetlands, protect and enhance agriculture, and develop and enhance the region's water resources for the benefit of the public.

3. **Whereas** the STWMA formed a stakeholder group and implemented a process to develop a watershed-scale, integrated water resources management program to provide a safe and reliable water supply for all water users in the watershed.

4. **Whereas** the development of the San Timoteo Watershed Management Program (STWMP) was completed in March 2002 and was documented in *San Timoteo Watershed Management Program, Phase 1 Report* (March 2002).

5. **Whereas** the current and future water demands of the member agencies were described based on planning information provided by the STWMA member agencies and the City of Banning (Banning). The water and recycled water master plans and the Urban Water Management Plans of the agencies were reviewed to assess how STWMA member agencies and Banning were planning to meet their water demands and dispose of or reuse their recycled water. This research revealed daunting water resource management challenges and opportunities.

6. **Whereas** the Phase 1 investigation revealed that the proven local water supplies for the STWMA service area are about 32,000 acre-ft/yr and ultimate demand will be about 99,000 acre-ft/yr; that is, the STWMA service area will need to develop 67,000 acre-ft/yr of new supplies at build out. The STWMP was designed to ensure that the additional 67,000 acre-ft/yr of water will be there when it is needed. The STWMP accomplishes this through eight management initiatives or program elements that include:

- *Program Element 1* – Develop and Implement a Comprehensive Monitoring Program for Groundwater Level, Groundwater Quality, Production and Diversion, Subsidence, Surface Water Discharge and Surface Water Quality.
- *Program Element 2* – Develop and Implement a Comprehensive Surface Water Management and Recharge Program.
- *Program Element 3* – Develop and Implement a Regional Supplemental Water Master Plan for the STWMA Area.
- *Program Element 4* – Develop and Implement a Salt Management Program.
- *Program Element 5* – Establish a Groundwater Management Entity.
- *Program Element 6* – Develop Conjunctive-Use Programs.
- *Program Element 7* – Develop and Implement a Habitat and Recreation Program for the San Timoteo Creek Watershed.

- *Program Element 8* – Develop and Implement a Financial Plan to Enable the STWMP.

9. **Whereas** the STWMP includes, among other things, enhanced recharge of native and recycled water, maximizing the direct use of recycled water, and working with San Gorgonio Pass Water Agency (SGPWA) to optimize the use of imported water for direct use, recharge, and conjunctive use. The estimated cost of STWMP implementation ranges from $200 to $300 million exclusive of the cost of the East Branch Extension of the State Water Project.

10. **Whereas** one of the principles of the STWMP is the prioritization of the use of local water supplies over imported supplies and thus minimizing dependence on State Water Project water.

11. **Whereas** STWMA, its member agencies and stakeholders are involved in the implementation of the STWMP and have been very successful in the implantation of parts of the STWMP.

12. **Whereas** the STWMA, its member agencies and stakeholders are in the process of expanding and updating the STWMP to be consistent with the current and projected needs of its service area, and the integrated regional water management program criteria promulgated by the California Department of Water Resources.

THEREFORE BE IT RESOLVED:

1. That the Southern California Association of Governments (SCAG) commends STWMA, its member agencies and stakeholders for developing its integrated water management program (STWMP) for the San Timoteo Watershed;

2. That SCAG urges implementation of those elements of the STWMP that will lead to more sustainable and secure water supplies for the STWMA service area within the SCAG region;

3. That SCAG supports STWMA, its member agencies and stakeholders in achieving the multiple environmental and social benefits envisioned in its STWMP.

MEMORANDUM TO THE WATER POLICY TASK FORCE

June 9, 2005

TO: ***Members of the Water Policy Task Force***

FROM: ***Daniel E. Griset, Sr. Regional Planner, X895, griset@scag.ca.gov***

SUBJECT: ***Proposed Stormwater Management Legislation: ACA 13***

RECOMMENDATION:

The Task Force recommends that the Energy and Environment Committee endorse for Regional Council consideration and support the legislative passage of ACA 13.

BACKGROUND:

ACA 13, authored by Assemblyman Tom Harman of Huntington Beach and Assemblymembers Jones and Mullin, would put before California voters a provision to make stormwater and flood control fees exempt from the voter requirements of Proposition 218. Proposition 218 requires voter approval of all local fees except for fees related to sewer, water and refuse collection services. ACA 13 would give stormwater and flood management programs this same exemption.

The League of California Cities (see letter below), along with the California State Association of Counties, has endorsed passage of ACA 13. The Governor also has announced support for passage of the measure.

A copy of the draft legislation is in the Appendix.

1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

April 28, 2005

Assembly Member Tom Harman
State Capitol, Room 5158
Sacramento CA 95814

RE: ACA 13 (Harman). Storm Water Fees. Proposition 218.

NOTICE OF LEAGUE SUPPORT

Dear Assembly Member Harman:

On behalf of the League of California Cities, I am pleased to inform you that the League supports your ACA 13. This Administration sponsored measure would add flood control and storm water fees to those types of fees that are exempt from the voter approval requirement of Proposition 218.

If passed by the legislature, ACA 13 would appear on the next statewide general election. If passed by the voters, it would authorize cities and counties to adopt storm water and flood control fees without voter approval. This is similar to fees that are already exempt from the voter approval process of Proposition 218 for sewer, water or refuse collection services.

The League strongly supports ACA 13 as a means to give cities and counties another tool to fund local storm control programs. Currently, cities and counties are struggling to find ways to pay for implementation of their NPDES storm water permits. In addition, the inclusion of flood control in the bill is another important tool for cities that need to address potential flooding problems to keep their communities safe.

The League has been working closely with your office and the Administration to ensure that the language relative to storm water fees is crafted properly. We look forward to continuing these discussions and working with your office as ACA 13 moves forward.

Sincerely,
Yvonne Hunter
Yvonne Hunter
Legislative Representative

Cc: Members and Consultant, Assembly Local Government Committee
Anthony Hernandez, OPR

MEMORANDUM TO THE WATER POLICY TASK FORCE

June 9, 2005

TO: ***Members of the Water Policy Task Force***

FROM: ***Daniel E. Griset, Sr. Regional Planner, X895, griset@scag.ca.gov***

SUBJECT: ***California Water Plan***

RECOMMENDATION:

The Task Force recommends that the Energy and Environment Committee endorse for Regional Council support the Policy Recommendations of the Draft 2005 California Water Plan.

BACKGROUND:

Mark Stuart, representing the State Department of Water Resources, will provide an overview of the newly released draft of the California Water Plan, 2005. Periodically the Department has issued its outlook for water supplies in our rapidly growing state. The current draft Plan proposes a roadmap for meeting the state's 2030 water demands with two key initiatives: the use of *integrated regional water management* and *the improvement and maintenance of current state water management systems.* These proposed initiatives are based around water use efficiency, water quality protection and environmental stewardship. (See the documents: http://www.waterplan.water.ca.gov/cwpu2005/index.cfm)

Integrated Regional Water Management (IRWM)

The Plan urges the formation of regional partnerships, the development of integrated regional water management plans and the diversification of regional water portfolios. This regional strategy is intended to "ensure sustainable water resource use, better water quality, environmental stewardship, efficient urban development, protection of agriculture, and a strong economy". This integrated regional path would include plans to reduce water demand, improve operational efficiency and transfers, increase water supply, improve water quality and practice resource stewardship.

The IRWM initiative has been developed with the following principles:

- Use a broad, long-term perspective
- Identify broad benefits, costs, and tradeoffs
- Promote sustainable resource management
- Increase regional self-sufficiency
- Increase regional drought preparedness
- Use open forums that include all communities
- Promote coordination and collaboration among local agencies and governments
- Use sound science, best data, and local knowledge

The Maintenance and Improvement of Current Statewide Water Management Systems

This initiative is intended to create more reliable water supplies, improve drought and flood management and sustain the Sacramento-San Joaquin Delta. The complex water supply system in California is aging and needs timely maintenance and rehabilitation: the State Water Project is over 30 years old; the federal Central Valley Project is over 50 years old. In various locales, other parts of the system are over 100 years old.

Facilities are the key to improved water management in California. Statewide there are more than 1,200 reservoirs, as well as canals, treatment plants and levees, each managed by federal, state or local authorities. "Systems are often interconnected. The operation of one system can depend on the smooth operation of another. The successful operation of the complete system can be vulnerable if any parts fail."

Of greatest importance are those facilities that supply drinking water, sewage treatment, water delivery and flood control.

The CalFed Bay-Delta Program has been successful in bringing various interests together to develop comprehensive plans for restoring ecological conditions and levee integrity in the Delta, as well as improving water supply reliability and quality for water users around the state. The Plan urges implementation of the CalFed Program, though there is now considerable debate about what the actual level of funding may be for implementing the Program. As this issue of funding is resolved there will be related priorities set for implementation. The allocation of costs for the Program will certainly shape its future prospects and direction.

The improvement of flood management is highlighted in the Plan, especially as it relates to deteriorating flood control facilities in the Central Valley. With the combined effects of growth in housing and industry and the decline in funding for maintenance and rehabilitation of these facilities, new strategies are recommended: improved maintenance, system rehabilitation, better emergency response, sustainable funding for management of programs, better flood mapping and public education. The Plan urges the integration of these efforts with ecosystem restoration, farmland protection and other multi-benefit management of floodplains.

Policy Recommendations of the Draft 2005 California Water Plan:

1. California needs to invest in reliable, high quality, sustainable, and affordable water conservation, efficient water management, and development of water supplies to protect public health, and to maintain and improve California's economy, environment and standard of living.
2. State government must provide incentives and assist regional and local agencies and government and private utilities to prepare integrated resources and drought contingency plans on a watershed basis; to diversify their regional resource management strategies; and to empower them to implement their plans.
3. State government must lead an effort with local agencies and governments to inventory, evaluate, and propose management strategies to remediate the causes and effects of contaminants on surface and groundwater quality.
4. California needs to rehabilitate and maintain its aging water infrastructure, especially drinking water and sewage treatment facilities, operated by State, federal and local entities.
5. State government must continue to provide leadership for the CALFED Bay-Delta Program to ensure continued and balanced progress on greater water supply reliability, water quality, ecosystem restoration and levee system integrity.

Policy Recommendations of the Draft 2005 California Water Plan (continued)

6. State government needs to take the lead in water planning and management activities that: (a) regions cannot accomplish on their own, (b) the State can do more efficiently, (c) involve inter-regional, inter-state, or international issues, or (d) have broad public benefits.
7. California need to define and articulate the respective roles, authorities, and responsibilities of State, federal and local agencies and governments responsible for water.
8. California needs to develop broad and realistic funding strategies that define the role of public investments for water and other water-related resource needs over the next quarter century.
9. State government should invest in research and development to help local agencies and governments implement promising water technologies more cost effectively.
10. Sate government should help predict and prepare for the effects of global climate change on our water resources and water management systems.
11. The Department of Water Resources (DWR) and other State agencies should improve data, analytical tools, and information management needed to prepare, evaluate and implement regional integrated rsource plans and programs in cooperation with other federal, tribal, local and research entities.
12. DWR and other State agencies should explicitly consider public trust values in the planning and allocation of water resources and protect public trust uses whenever feasible.
13. DWR and other State agencies should invite, encourage, and assist tribal government representatives to participate in statewide, regional and local water planning processes and to access State funding for water projects.
14. DWR and other State agencies should encourage and assist representatives from disadvantaged communities and vulnerable populations, and the local agencies and private utilities serving them, to participate in statewide, regional and lcoal water planning processes and to get equal access to State funding for water projects.

MEMORANDUM TO THE WATER POLICY TASK FORCE

June 9, 2005

TO: ***Members of the Water Policy Task Force***

FROM: ***Daniel E. Griset, Sr. Regional Planner, X895, griset@scag.ca.gov***

SUBJECT: ***Atmospheric Deposition and Water Quality Challenges***

RECOMMENDATION:

Receive for future policy consideration.

BACKGROUND:

The Southern California Coastal Water Research Project (SCCWRP) recently conducted a study on sources of pollutants found in Los Angeles Basin stormwater. The SCCWRP study found that atmospheric deposition is a major source of pollutants in samples taken of local stormwater, especially trace metals.

The study was sited in an urban catchment in the San Fernando Valley near the Tillman wastewater treatment plant and away from an immediate interface with transportation or industrial facilities. The catchment consisted of 60% impervious surfaces, including asphalt roads, concrete sidewalks and low-rise concrete structures with monolithic poured foam roofs. Pervious areas covered 40% of the catchment, and included areas with grass and shrubs planted near the roads and buildings. Traffic on the roads inside the plant was limited to approximately 50 vehicles per day, and street cleaning was done weekly.

The study's data analysis focused on those metals with negative impacts on waterbodies in the Los Angeles coastal region, including chromium, copper, lead, nickel, and zinc. These metal pollutants have been the source of water quality impairments in the Basin and have resulted in newly proposed water quality rules (Total Maximum Daily Loads or TMDLs) by the Los Angeles Regional Water Quality Control Board.

This initial study indicated that "based on our empirical data, atmospheric deposition is an important contributor to stormwater runoff in urban catchments. If we assume the total quantity deposited onto the catchment was available for removal in stormwater runoff, then atmospheric deposition potentially accounted for as much as 40 to 70% of the total trace metal loads in annual stormwater discharges." The report findings also called for further sampling and research in this key environmental topic.

SCAG staff facilitated a recent discussion of these issues between the Basin's water quality regulators and air quality regulators. This kind of comprehensive look at water and air pollution was the first discussion of this kind and resulted in a willingness of the regulators to continue to look at regulatory measures in a more integrated context.

MEMORANDUM TO THE WATER POLICY TASK FORCE

June 9, 2005

TO: ***Members of the Water Policy Task Force***

FROM: ***Daniel E. Griset, Sr. Regional Planner, X895, griset@scag.ca.gov***

SUBJECT: ***Water Supply Planning and Growth in the Santa Clarita Valley***

RECOMMENDATION:

Receive for future policy consideration.

BACKGROUND:

The Santa Clarita Valley area has seen on-going controversy and litigation over the issue of water supplies and the adequacy of these supplies to meet the needs from housing and other developments proposed in the Valley. These developments proposed in the Valley have been affected by this conflict, along with other concerns about inadequate transportation facilities.

SCAG growth projections for the urban areas of the Valley show that substantial increases in population, housing and employment will occur. Between 2000 and 2030, population will increase from 163,000 to 283,000. Housing units will rise from 54,000 to 96,000. Employment will grow from 67,000 to 94,000 in the same time period.

The Valley's primary supplier of supplemental water is the Castaic Lake Water Agency (CLWA), an agency with a service area of 195 square miles in Los Angeles and Ventura Counties. As a water wholesaler, CLWA provides about half of the water that Santa Clarita households and businesses use.

The stated mission of CLWA is to provide reliable, quality water at a reasonable price to the Santa Clarita Valley. The Agency operates 2 treatment plants, 2 pump stations, 2 storage facilities, and over 17 miles of transmission pipelines. Its delivery of State Project water from northern California supplements local groundwater supplies. This supplemental water is treated and delivered to four local water retailers: Los Angeles County Water District #36, Newhall County Water District, CLWA Santa Clarita Water Division, and Valencia Water Company. Representatives from these agencies, along with elected directors, constitute the governance board for CLWA.

The State Water Project that brings water to the Valley reaches north more than 600 miles to Lake Oroville, a large man-made reservoir behind Oroville Dam and northeast of Sacramento. From Lake Oroville this water flows through three power plants, then down the Feather and Sacramento Rivers before reaching the Sacramento-San Joaquin Delta, a complex network of natural and made-made channels at the confluence of the Sacramento and San Joaquin rivers near the cities of Sacramento and Stockton. After moving through the Delta, the Valley's water makes its way to a pumping plant and into the California Aqueduct for the remaining 300 mile journey into Santa Clarita Valley. At the south end of the San Joaquin Valley the water is lifted 1,926 feet (the highest single lift in the world) to cross the Tehachapi Mountains. The water then flows through the West Branch of the Aqueduct to Quail Lake, Pyramid Lake and finally into Castaic Lake, the water supply source for CLWA.

MEMORANDUM TO THE WATER POLICY TASK FORCE

June 9, 2005

TO: ***Members of the Water Policy Task Force***

FROM: ***Daniel E. Griset, Sr. Regional Planner, X895, griset@scag.ca.gov***

SUBJECT: ***A SCAG Report on "Stormwater Runoff Management and Synergistic Water Quality Planning"***

RECOMMENDATION:

Receive for future policy consideration.

BACKGROUND:

Staff will review the features of a study prepared for Caltrans that relates water quality and flood runoff issues to proposed Major Projects in the 2004 Regional Transportation Plan. Using a GIS framework, the study integrates land use, hydrology, water quality, jurisdictional, soil, climate, regulatory and transportation project information. The study models an approach for targeting watershed areas where extensive stakeholder cooperation could bring more comprehensive and cost-effective stormwater runoff management.

The report can be found on the Task Force website:
http://www.scag.ca.gov/wptf/wptf_stormwaterstudy.htm

MEMORANDUM TO THE WATER POLICY TASK FORCE

June 9, 2005

TO: ***Members of the Water Policy Task Force***

FROM: ***Daniel E. Griset, Sr. Regional Planner, X895, griset@scag.ca.gov***

SUBJECT: ***A Preview of a Study on Ecosystem Restoration in the Upper Malibu Creek Watershed***

RECOMMENDATION:

Receive for further information and consideration at a future Task Force meeting.

BACKGROUND:

The U.S. Army Corps of Engineers and California State Parks are currently conducting a Malibu Creek Ecosystem Restoration Feasibility Study, with a focus on Rindge Dam.

Malibu Creek Watershed is located about 30 miles west of the city of Los Angeles within Santa Monica Mountains. The drainage area covers approximately 109 square miles of the Santa Monica Mountains and Simi Hills. A mixture of urban development and open space drains into Malibu Lagoon and Santa Monica Bay. Malibu Canyon Road/Las Virgenes Road forms the primary north/south route through the watershed. Approximately two-thirds of the watershed is located in northwestern Los Angeles County, and the remaining one-third is in southeastern Ventura County.

The primary planning objective of the study focuses on environmental restoration of the watershed, specifically the potential for removal of Rindge Dam, an obsolete water supply dam, which currently acts as an impediment to passage of the endangered steelhead trout and other aquatic and terrestrial species. Other objectives that will be considered as appropriate may involve possible beneficial use of sediment for beach nourishment or other environmental restoration (such as removal or modification of other, minor impediments to steelhead passage). A baseline conditions report is currently in development, due for release in early summer 2005. Alternative formulation and a recommended plan will follow in late FY2006.

The 100-foot-high Rindge Dam was built on Malibu Creek in 1926. Its 574 acre-foot reservoir filled with sediment in less than 25 years, much like the Matilija Dam reservoir in Ventura County. Steelhead trout migration from the ocean has been found at the base of the dam. Any further migration into the upper eight miles of the Creek is blocked by the dam, preventing greater ecosystem diversity in what is now Malibu Creek State Park and the Santa Monica Mountains National Recreation Area.

The feasibility study process is geared to recommend various alternatives for restoring Malibu Creek's ecosystem. The project team will return to the Task Force for comment and feedback on these alternatives in the Fall when more definitive alternatives are developed.

APPENDIX

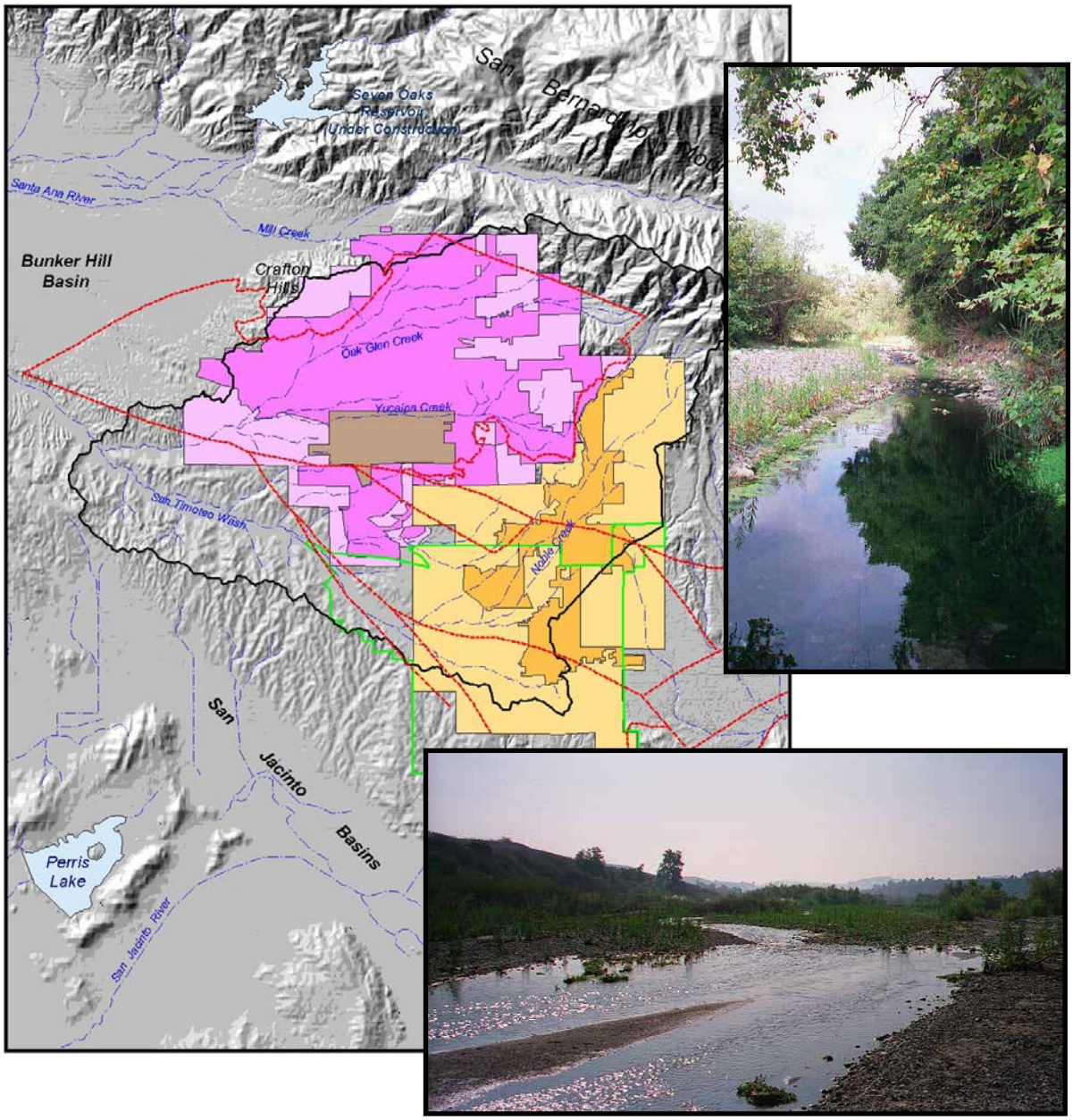
1. **Executive Summary: Integrated Regional Water Management Program for the San Timeteo Watershed**

2. **ACA 13 Legislation Draft**

3. **Water Policy Task Force Membership Roster**

INTEGRATED REGIONAL WATER MANAGEMENT PROGRAM FOR THE SAN TIMOTEO WATERSHED

(FORMERLY, SAN TIMOTEO WATERSHED MANAGEMENT PROGRAM)



DRAFT

PREPARED FOR

SAN TIMOTEO WATERSHED MANAGEMENT AUTHORITY

JANUARY 2005

WILDERMUTH™
ENVIRONMENTAL INC.

WILDERMUTH™
ENVIRONMENTAL INC.

January 24, 2005

San Timoteo Watershed Management Authority
Attention: J. Andrew Schlange, General Manager
4 Crown Court
Rancho Mirage, CA 92270

Subject: Transmittal of the draft *2004 Integrated Regional Water Management Program for the San Timoteo Watershed* (formerly known as the San Timoteo Watershed Management Program).

Dear Mr. Schlange:

Transmitted herewith is the updated San Timoteo Watershed Management Plan (STWMP) that has been re-titled *2004 Integrated Regional Water Management Program for the San Timoteo Watershed* (IRWMP). The name of the document was changed to reflect modern nomenclature and the requirements of Proposition 50. The IRWMP is very similar to the STWMP that it replaces with the following differences:

- Updated groundwater level and water quality conditions
- Updated water demands and water supply plans
- Progress report on STWMA implementation of the IRWMP
- Updated project list with schedule and cost

STWMA has completed several major initiatives since the STMWP report was published in March of 2002 including the adjudication of groundwater and storage rights in the Beaumont Basin and the development of maximum-benefit-based water quality objectives in the management zones within STWMA. There is one major planning initiative that was budgeted for in 2004/05 and that needs to be started immediately – completion of the *Supplemental Water and Conjunctive-Use Master Plan*. This initiative is crucial to water supply reliability for all of STWMA members and to develop conjunctive-use plans that will return the most value to the STWMA area.

It is our pleasure to serve STWMA and its member agencies on this very important project. Please call me or Andrew Malone if you have any questions on this report.

Very truly yours,

Wildermuth Environmental, Inc.

Mark J. Wildermuth
President and CEO

INTEGRATED REGIONAL WATER MANAGEMENT PROGRAM FOR THE SAN TIMOTEO WATERSHED

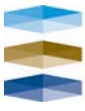
(FORMERLY, SAN TIMOTEO WATERSHED MANAGEMENT PROGRAM)

Draft Report

Prepared for

SAN TIMOTEO WATERSHED MANAGEMENT AUTHORITY

Prepared by



WILDERMUTH™
ENVIRONMENTAL INC.

JANUARY 2005

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ACRONYM AND ABBREVIATIONS LIST

µg/L	micrograms per liter
acre-ft/mo	acre feet per month
acre-ft/yr	acre feet per year
ADFM	accumulated departure from the mean
BCVWD	Beaumont-Cherry Valley Water District
bgs	below ground surface
BMP	best management plan
CEQA	California Environmental Quality Act
CGM	Common Ground Memorandum
DBCP	1,2-dibromo-3-chloropropane
DHS	California Department of Health Services
DWR	California Department of Water Resources
EC	electrolytic conductivity
EPA	US Environmental Protection Agency
gpm	gallons per minute
GPS	Global Positioning System
GSE	ground surface elevation
GWR	groundwater recharge
GWS	Groundwater Systems, Inc.
MBAS	methylene blue active substance
mg/L	milligrams per liter
mgd	million gallons per day
mL	milliliter
MOA	Memorandum of Agreement
MSL	mean sea level
MTBE	methyl tertiary butyl ether
MUN	RWQCB designation for municipal use
ND	not detected
NEPA	National Environmental Policy Act

ACRONYM AND ABBREVIATIONS LIST

NO_3	nitrate
NO_3-N	nitrate as nitrogen
NPDES	National Pollutant Discharge Elimination System
OBMP	Optimum Basin Management Program
PHG	Public Health Goal
QA/QC	quality assurance/quality control
QAPP	Quality Assurance Project Plan
REC1	RWQCB designation for water contact recreation
REC2	RWQCB designation for non-water contact recreation
RWQCB	Regional Water Quality Control Board, Santa Ana Region
SBVMWD	San Bernardino Valley Municipal Water District
SBVWCD	San Bernardino Valley Water Conservation District
SGPWA	San Gorgonio Pass Water Agency
SMWC	South Mesa Water Company
SOP	standard operating procedures
STORET	STOrage and RETrieval
STWMA	San Timoteo Watershed Management Authority
STWMP	San Timoteo Watershed Management Program
SWP	State Water Project
SWQIS	State Water Quality Information System
SWRCB	State Water Resources Control Board
TBD	to be determined
TDS	total dissolved solids
USACE	US Army Corps of Engineers
USGS	US Geological Survey
VOC	volatile organic chemical
WARM	RWQCB designation for warm water habitat
WCI	water character index

ACRONYM AND ABBREVIATIONS LIST

WEI	Wildermuth Environmental, Inc.
WILD	RWQCB designation for wildlife habitat
WMWD	Western Municipal Water District
YVWD	Yucaipa Valley Water District
µm	micron

EXECUTIVE SUMMARY

The *San Timoteo Watershed Management Program, Phase 1 Report* was completed in March 2002 by Wildermuth Environmental, Inc. This report is an update of the Phase 1 report and has been re-titled *Integrated Regional Water Management Program for the San Timoteo Watershed* (IRWMP). The IRWMP is consistent with other reports that are commonly referred to as integrated regional water management plans such as the *Santa Ana Integrated Watershed Plan: Water Resources Element* developed by the Santa Ana Watershed Project Authority (SAWPA, 2001) and the *Chino Basin Optimum Basin Management Program* (WEI, 1999). In fact, the SAWPA plan includes some of the initiatives that were included in the STWMP Phase I report and the IRWMP. SAWPA also included several STWMA initiatives in its Proposition 50 project list.

Background

The San Timoteo Watershed Management Authority (STWMA) was formed in January 2001 by the Beaumont-Cherry Valley Water District (BCVWD), the City of Beaumont (Beaumont), the South Mesa Water Company, and the Yucaipa Valley Water District (YVWD). The purpose of the STWMA is to prepare and implement a water resources management program for the San Timoteo Watershed and the waters tributary thereto in order to conserve local water supplies, improve surface and ground water quality and quantity, protect and enhance groundwater storage and recreational resources, preserve open space, protect wildlife habitat and wetlands, protect and enhance agriculture, and develop and enhance the region's water resources for the benefit of the public. The water resources management program is to include: watershed and basin monitoring; groundwater storage, banking and conjunctive use; stormwater capture and management; recycled water programs and projects; wetlands, wildlife, and open space protection; water quality protection and enhancement; and water conservation and efficiency.

The STWMA formed a stakeholder group to develop a watershed-scale integrated water resources management program that will provide a safe and reliable water supply for all water users in the watershed. The STWMA retained Wildermuth Environmental (WEI) in March 2001 to develop the watershed management program. The San Timoteo Watershed Management Program (STWMP) was completed in March 2002 and was documented in *San Timoteo Watershed Management Program, Phase 1 Report* (March 2002). The Phase 1 investigation inventoried the water resources in the STWMA service area and described, at a reconnaissance level, the occurrence and quality of these waters. The current and future water demands of the member agencies were described based on planning information provided by the STWMA member agencies and the City of Banning (Banning). The water and recycled water master plans and the Urban Water Management Plans of the agencies were reviewed to assess how STWMA member agencies and Banning were planning to meet their water demands and dispose of or reuse their recycled water. This research revealed daunting water resource management challenges and opportunities.

Currently, the proven local water supplies for the area are about 32,000 acre-ft/yr and ultimate demand will be about 99,000 acre-ft/yr; that is, the STWMA service area will need to develop 67,000 acre-ft/yr of new supplies. The STWMP was designed to ensure that the additional 67,000 acre-ft/yr of water will be there when it's needed. The STWMP accomplishes this through eight management initiatives or program elements that include:

- Program Element 1 – Develop and Implement a Comprehensive Monitoring Program for Groundwater Level, Groundwater Quality, Production and Diversion, Subsidence, Surface Water Discharge and Surface Water Quality.

- Program Element 2 – Develop and Implement a Comprehensive Surface Water Management and Recharge Program.
- Program Element 3 – Develop and Implement a Regional Supplemental Water Master Plan for the STWMA Area.
- Program Element 4 – Develop and Implement a Salt Management Program.
- Program Element 5 – Establish a Groundwater Management Entity.
- Program Element 6 – Develop Conjunctive-Use Programs.
- Program Element 7 – Develop and Implement a Habitat and Recreation Program for the San Timoteo Creek Watershed.
- Program Element 8 – Develop and Implement a Financial Plan to Enable the STWMP.

The water resources management program within the STWMP includes enhanced recharge of native and recycled water, maximizing the direct use of recycled water, and working with San Gorgonio Pass Water Agency (SGPWA) to optimize the use of imported water for direct use, recharge, and conjunctive use. The estimated cost of STWMP implementation ranges from $200 to $300 million (this includes the cost to member agencies to implement some of their own projects that are included in the STWMP). The STWMP is available for review at www.stwma.org.

The STWMA has entered into the implementation phase of the STWMP. The progress and accomplishments since March 2002 are described below by program element.

Implementation Activities Since Publishing the STWMP in March 2002

Program Element 1 – Develop and Implement a Comprehensive Monitoring Program for Groundwater Level, Groundwater Quality, Production and Diversion, Subsidence, Surface Water Discharge and Surface Water Quality

STWMA retained WEI to develop the Program Element 1 monitoring program. The monitoring program is designed to serve several resource management purposes, including: characterization of ambient groundwater level and quality, estimation of surface water discharge and recharge and associated quality, production of groundwater, assessment of safe yield and temporary surplus, assessment of the relationship of groundwater storage to uncontrolled losses and subsidence, and assessment of water quality threats. The resultant monitoring program includes the following activities, most of which will be carried out by the STWMA member agencies:

- Groundwater level monitoring
- Groundwater quality monitoring
- Production monitoring
- Surface water discharge and quality monitoring
- Ground level monitoring program
- Well construction and abandonment
- Data management and reporting

The monitoring program report was completed and presented to the STWMA commission in November 2003. STWMA members are implementing portions of the monitoring program, however there are no

formal integrations of the data as described in the monitoring program. WEI is in the process of updating the STWMA database as part of other investigations for BCVWD, SAWPA and YVWD.

Program Element 2 – Develop and Implement a Comprehensive Surface Water Management and Recharge Program

San Bernardino County, Riverside County, the Cities, and the US Army Corps of Engineers (USACE) have constructed flood control projects that efficiently capture and convey storm flow out of the STWMA service area—effectively eliminating the groundwater recharge that formerly took place in the stream channels and flood plains in the STWMA area. In most cases, no provisions were made to mitigate the loss of recharge from flood control projects. In addition, there have been no mitigation efforts to preserve recharge when land use is converted from native and agricultural uses to urban uses. Increasing the yield of the STWMA area groundwater basins by increased recharge of storm flow will improve ambient water quality, increase the assimilative capacity of these basins, and reduce the mitigation cost for the use of recycled water. The San Timoteo watershed is largely undeveloped and there is significant pressure to convert undeveloped and agricultural land uses to urban uses. Increased runoff and related water quality problems that result from the transition of undeveloped and agricultural land uses to urban land uses are a concern to watershed stakeholders.

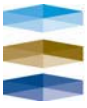
STWMA applied for and received a $195,000 grant from the State Water Resources Control Board (SWRCB) to develop a surface water management program for the STWMA area. The total cost to develop the surface water management program will be about $300,000 to $340,000 (with STWMA contributing the difference between the total cost and the SWRCB grant).

This work began in July 2003 and will be completed by March 31, 2005. A surface water-monitoring program was implemented to assess storm and dry-weather flow quality for the period of late 2003 through 2004. An inventory of existing and planned surface water management facilities was completed in early 2004. Surface water modeling and master plan development are underway. When this work is completed, STWMA will have a master plan document that can be used by STWMA and its member agencies to prioritize recharge projects and seek funding from outside sources.

Program Element 3 – Develop and Implement a Regional Supplemental Water Master Plan for the STWMA Area and Program Element 6 – Develop Conjunctive-Use Programs

As stated above, the proven local water supplies for the area are about 32,000 acre-ft/yr and ultimate demand will be about 99,000 acre-ft/yr; hence, the STWMA service area will need to develop 67,000 acre-ft/yr of new supplies. Some of the new supplies will be created from stormwater recharge and recycled water reuse projects. A substantial portion of the new supplies will come from imported and recycled water. However, imported supplies are not 100 percent reliable. Droughts on the State Project and/or local drought could lead to critical water supply shortages if local storage is not provided to carry over supplemental water supplies from non-drought years. Therefore, the management of local and imported water supplies needs to include storage in the STWMA service area or in areas accessible to STWMA member agencies. STWMA staff believes that most of this carry-over storage can be done in the Beaumont Basin and possibly in the Yucaipa area basins. Furthermore, staff believes, based on groundwater storage program agreements that were done by Metropolitan Water District of Southern California and others, that substantial water reliability and financial benefits could accrue to STWMA member agencies from participating in groundwater storage programs with outside storage partners.

STWMA staff has developed a revised scope of work to develop and implement a Supplemental Water Delivery and Conjunctive-Use Master Plan based on the scope outlined in Section 5.4.2. The new scope



includes the service areas of the BCVWD, SMWC, and cities of Banning and Beaumont, with YVWD excluded from the effort for the time being. A project committee has been established to fund and oversee the work. The project committee includes BCVWD and the city of Beaumont. The estimated cost to develop this master plan is about $300,000. STWMA staff will execute the first part of this revised investigation in January 2005 and will complete it by June 2005. The major facilities and operational concepts will be identified in sufficient detail early in the investigation so that they may be included in the CEQA processing of the STWMP. Subsequent phases of this work will follow the first phase later in 2005.

In addition to the above, STWMA staff has produced a financial model for evaluating future State Water Project costs in the SGPWA service area.

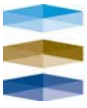
Program Element 4 – Develop and Implement a Salt Management Program

Pursuant to direction by the STWMA commission, STWMA staff developed a comprehensive salt management program for the STWMA area. YVWD, exercising it discretion, completed an independent but identical management program for the Yucaipa area groundwater basins. These efforts are often referred to as the maximum benefit demonstration. STWMA staff worked with STWMA member agencies and the Nitrogen/TDS Task Force to establish nitrogen and TDS water quality objectives that are higher than antidegradation limits and still protective of beneficial uses. These new objectives will allow the direct use and recharge of State Project and recycled water in the STWMA service area without concurrent mitigation. STWMA staff worked with RWQCB staff on the Basin Plan amendment to facilitate timely adoption. The RWQCB and State Water Resources Control Board have approved these new objectives and they will be implemented in the next few months. Management activities that will be implemented if and when ambient nitrogen and/or TDS concentrations reach prescribed thresholds are tied to these new water quality objectives.

These management activities will not be required for at least 30 years. That said, the planning for some of the facilities that will be needed in the future should begin immediately. Of paramount importance is the acquiring of brine capacity in the Santa Ana Regional Interceptor (SARI) and the construction of a brine pipeline to take concentrated brines from the STWMA area to the SARI.

Ongoing work related to the salt management program includes commitments to the RWQCB to collect groundwater level and quality data and to provide this data and funds to the RWQCB every three years so that an ambient TDS and nitrogen estimates can be made for the Beaumont and San Timoteo Basins. Alternatively, STWMA could prepare its own estimates of ambient TDS and nitrogen every three years and provide this information to the RWQCB for their use.

While the ambient TDS and nitrogen is being recalculated, STWMA, at its discretion, should re-evaluate the salt budget. STWMA staff will revise the salt budget developed in Task Order 3 in the first half of 2005 for the Beaumont Basin. This work is being done by a STWMA project committee that includes BCVWD and the city of Beaumont.



Program Element 5 – Establish a Groundwater Management Entity

The purpose of the groundwater management entity is to provide certainty in the management of the groundwater basin, certainty in established water rights, and control over the unused storage space in each basin. The primary basin of concern to STWMA and its member agencies is the Beaumont Basin. In 2003, pursuant to direction from the STWMA commission, STWMA filed a friendly lawsuit against the major overlying and appropriative producers in the Beaumont Basin. STWMA member agencies, the City of Banning, all major overlying producers, and STWMA staff developed a stipulated agreement to adjudicate all water rights and storage management for the Beaumont Basin. This agreement was accomplished in less than a year, which is an extraordinary accomplishment. The stipulated agreement was filed with court and subsequently approved in February 2004. The stipulated agreement required the formation of a Watermaster that first met in February 2004 and has met monthly since then. The Watermaster has prepared its first annual report and is in the process of installing meters on some overlying producers' wells. The Watermaster's mission is to implement the terms of the stipulated agreement and manage the basin.

Program Element 7 – Develop and Implement a Habitat and Recreation Program for the San Timoteo Creek Watershed

There have been no STWMA activities to date and none are planned in the near future.

Program Element 8 – Develop and Implement a Financial Plan to Enable the STWMP

This program element consists of efforts to estimate the cost of the STWMP implementation, identify and obtain outside funding in the form of grants and low-interest loans, and develop equitable distribution of the benefits and costs among the members of the STWMA and participating stakeholders. Since the completion of the STMWP, STWMA staff has established a regular meeting schedule with DWR and SWRCB staff to pursue grants under Propositions 40 and 50 and recycling planning grants from the SWRCB. STWMA has assisted member agencies in preparation of their grant applications for Propositions 40 and 50. As previously mentioned, STWMA staff negotiated a $195,000 planning grant from the SWRCB to support stormwater recharge planning in Program Element 2.

Summary

Table 6-1 contains a phasing and cost projection for implementation of the IRWMP through 2025. The cost of IRWMP implementation during this period is about $210,000,000 (current value), which is mostly comprised of costs that will be borne by STWMA member agencies and stakeholders implementing their own projects that have independent utility and that are consistent with the IRWMP. The investigative and administrative elements of Program Elements 1 through 8 will be done primarily by the STWMA. Physical facilities such as wells pipelines, reservoirs, treatment plants, pump stations, *etc...* will be designed, constructed and operated by the STWMA member agencies and others. STWMA's project costs for the three-year period 2005, 2006 and 2007 are projected to be about $745,000, $470,000, and $300,000, exclusive of outside funding, respectively. STWMA member agencies' project costs for the three-year period 2005, 2006 and 2007 are projected to be about $20,300,000, $24,700,000, and $28,300,000 exclusive of outside funding, respectively.

STWMA staff and its member agencies have accomplished a lot in the time since the STWMP was completed (a 30-month period), including:

- Completion of a comprehensive monitoring program.
- Initiation of a comprehensive storm water management planning investigation that will identify and quantify recharge projects in the STWMA area; this investigation is mostly being funded by a grant obtained by STWMA from the SWRCB.
- Completion of a scoping effort for a phased supplemental water and conjunctive-use master plan and have completed some early work on predicting State Water Project costs. Staff has begun discussions with potential storage partners for a conjunctive-use program in the Beaumont Basin.
- STWMA staff completed a salt management program and assisted member agencies in a successful proposal to the RWQCB to raise TDS and nitrogen objectives to levels that protect beneficial uses and promote rapid implementation of recycling programs.
- STWMA staff and member agencies have completed a stipulated agreement to adjudicate production and storage in the Beaumont Basin.
- STWMA staff has been working on grant applications with the DWR and SWRCB for Proposition 40 and 50 funds and other sources of money.

STWMA Staff Recommendations

Given past efforts and current pressing needs, STWMA staff recommends that STWMA pursue the following activities pursuant to the IRWMP:

- Implement the monitoring program developed by STWMA staff as soon as possible.
- Complete the supplemental water and conjunctive-use master plan as soon as possible.
- Complete and certify CEQA documents related to this IRWMP and adopt the IRWMP as the STWMA's Integrated Regional Water Management Program.
- Assist the Beaumont Watermaster, as requested, in discussions with potential storage partners and the planning for storage programs.
- Continue coordination with state agencies regarding AB303, Proposition 40 and Proposition 50 funding; and start discussions with the Bureau of Reclamation regarding funding for STWMA and STWMA member agency projects.
- Start the process of acquiring brine capacity in the Santa Ana Regional Interceptor (SARI) and the construction of a brine pipeline to take concentrated brines from the STWMA area to the SARI.

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

Assembly Constitutional Amendment No. 13

Introduced by Assembly Members Harman, Jones, and Mullin

February 22, 2005

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending ~~Sections 2 and 5 of~~ *Section 5 of, and subdivision (c) of Section 6 of,* Article XIII D thereof, relating to local government finance.

LEGISLATIVE COUNSEL'S DIGEST

ACA 13, as amended, Harman. Local government: assessments and fees or charges.

~~The~~

(1) The California Constitution conditions the imposition or increase of an assessment by a city, county, or special district for flood control purposes upon compliance with requirements for written notice to property owners, a public hearing, and an opportunity for majority protest~~, except that~~. *The California Constitution exempts* the imposition of a flood control assessment existing on November 6, 1996, ~~is not subject to~~ *from* these requirements. ~~The~~

This measure would instead exempt from these requirements an assessment for the purposes of financing the capital costs or maintenance and operation expenses of flood control, whether the assessment existed on November 6, 1996, or is imposed after that date.

(2) The California Constitution*, with the exception of fees or charges for sewer, water, and refuse collection services,* conditions the imposition or increase of a property-related fee or charge ~~by a city,~~

~~county, or special district for flood control purposes upon compliance with requirements for written notice to property owners, a public hearing, and an opportunity for majority protest, and~~ upon the approval by a majority vote of the property owners of the property subject to the fee or charge, or at the option of the entity imposing the fee or charge, by a ⅔ vote of the electorate residing in the area affected by the fee or charge.

This measure would *also* exclude from ~~these requirements any levy for~~ *these property owner and voter approval requirements a fee or charge related to* flood control ~~purposes~~*, stormwater drainage, or surface water drainage*.

Vote: ⅔. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 2005-06 Regular Session commencing on the sixth day of December 2004, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California, that the Constitution of the State be amended as follows:

~~First—That Section 2 of Article XIII D thereof is amended to read:~~

~~SEC. 2. As used in this article:~~

~~(a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIII C.~~

~~(b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax." "Assessment" does not include any levy imposed for the purposes of flood control, including a levy imposed to finance capital costs or maintenance and operation expenses for flood control.~~

~~(c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.~~

~~(d) "District" means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.~~

~~(e) "Fee" or "charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service. "Fee" or "charge" does not include any levy imposed for the purposes of flood control, including a levy imposed to finance capital costs or maintenance and operation expenses for flood control.~~

~~(f) "Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.~~

~~(g) "Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.~~

~~(h) "Property-related service" means a public service having a direct relationship to property ownership.~~

~~(i) "Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."~~

~~Second~~

First—That Section 5 of Article XIII D thereof is amended to read:

SEC. 5. Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, *an assessment for the purposes of financing the capital costs or maintenance and operation expenses of flood control, whether the assessment existed on November 6, 1996, or is imposed after that date, and* the following assessments existing on ~~the effective date of this article~~ *November 6, 1996,* shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, drainage systems, or vector control.

Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

(b) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

(c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.

(d) Any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

Second —That subdivision (c) of Section 6 of Article XIII D thereof is amended to read:

(c) Voter Approval for New or Increased Fees and Charges. Except for fees or charges for sewer, water, ~~and~~ *or* refuse collection services*, or fees or charges related to flood control, stormwater drainage, or surface water drainage*, no property related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency, by a two-thirds vote of the electorate residing in the affected area. The election shall be conducted not less than 45 days after the public hearing. An agency may adopt procedures similar to those for increases in assessments in the conduct of elections under this subdivision.

O

WATER POLICY TASK FORCE MEMBERSHIP ROSTER

ELECTED MEMBERS	TITLE	JURISDICTION	ADDRESS/TELEPHONE/FAX	EMAIL
Sandy Baldonado	Mayor	Claremont	P.O. Box 880, Claremont, CA 91711-0880 T: 909.399.5444 F: 909.399.5492	whiterab1@aol.com
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Glen T. Becerra	Councilmember	Simi Valley	2929 Tapo Canyon Road, Simi Valley, CA 93063-2199 T: 805.583.6720 F: 661.257.8259	becerrgt@sce.com
Brian Brennan	Mayor	Ventura	501 Poli Street, Ventura, CA 93002-0099 T: 805.654.7827	bbrennan@ci.ventura.ca.us
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Norman Eckenrode	Councilmember	Placentia	401 E. Chapman Avenue, Placentia, CA 92870 T: 714.993.8117 F: 714.961.0283	neckenrode@adelphia.net
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